

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

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| STATE OF OHIO, | : | APPEAL NO. C-120520 |
| | : | TRIAL NOS. B-1201687-A |
| Plaintiff-Appellee, | : | B-1202508-A |
| vs. | : | <i>JUDGMENT ENTRY.</i> |
| JAMES BARKER, | : | |
| Defendant-Appellant. | : | |

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant James Barker's appointed counsel has advised this court that, after a thorough review of the record, he can find nothing that would arguably support Barker's appeal, and that the appeal is wholly frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *see also Freels v. Hills*, 843 F.2d 958 (6th Cir.1988). Counsel, as required by *Anders*, has communicated this conclusion to Barker, and has offered Barker an opportunity to respond and to raise any issues. Counsel has also moved this court for permission to withdraw as counsel. *See Anders* at 744; *see also* 1st Dist. Loc.R. 16.2(C)(1) and 16.2(D)(2).

Counsel now requests that this court independently examine the record to determine whether the appeal is wholly frivolous. *See Anders* at 744. We have done so, and we agree with counsel's conclusion that the proceedings below were free of error

prejudicial to Barker and that no grounds exist to support a meritorious appeal. Therefore, we overrule counsel's motion to withdraw from his representation of Barker, and affirm the judgment of the trial court.

We hold that this appeal is frivolous under App.R. 23 and without "reasonable cause" under R.C. 2505.35. But we refrain from taxing costs and expenses against Barker because he is indigent.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

HENDON, P.J., HILDEBRANDT and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on May 15, 2013
per order of the court _____.
Presiding Judge